

COMPLAINT FORM
(for filers who are prisoners without lawyers)
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA

FILED

10/21/2020

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
Roger A.G. Sharpe, Clerk

(Full name of plaintiff(s))

REESE LEVI KEITH

VS

Case Number:

1:20-cv-2740-JMS-TAB

(To be supplied by clerk of court)

(Full name of defendant(s))

Cpt. Mason
Lt. Jackson
Sgt. McKinney
Lt. Bagienski

Office of Wexford

A. PARTIES:

1. Plaintiff is a citizen of INDIANA, and is located at
(State)

4490 W. Reformatory Rd. Pendleton IN 46064
(Address of prison or jail)

(If more than one plaintiff is filing, use another piece of paper).

2. Defendant Cpt. Mason
(Name)

Defendants

Lt. Jackson worked: Pendleton Correctional
4490 W. Reformatory Rd.
Pendleton IN 46064

Sgt. McKinney Worked: Pendleton Correctional
4490 W. Reformatory Rd.
Pendleton IN 46064

Lt. Bagieniski Worked: Pendleton Correctional
4490 W. Reformatory Rd.
Pendleton IN 46064

Office of Wexford . Contracted by IDOC
Unknown Nurse: Jane Doe
Pendleton Correctional
4490 W. Reformatory Rd.
Pendleton IN 46064

C. JURISDICTION

I am suing for a violation of federal law under
28 U.S.C. § 1331

D. RELIEF WANTED

I am asking for \$75,000.00 for pain and
trauma.

I am asking for \$75,000.00 to pay attorney
fee's and court fee's.

I would like 40% of the award paid
directly to charity.

I would like 40% of the award to be
paid to my children.

I would like 20% of the award to be paid
to my trust account.

is (if a person or private corporation) a citizen of _____
(State, if known)

and (if a person) resides at _____
(Address, if known)

and (if the defendant harmed you while doing the defendant's job)

worked for IDOC Pendleton Correctional Facility
(Employer's name and address, if known)
4490. W. Reformatory Rd. Pendleton IN 46064
(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

1. On December 19th 2019, I, the Plaintiff,
Beese Kerth, was incarcerated at
Pendleton Correctional Facility.
2. On this date, I was called to the front
gate of cell block K4 by an officer
who's name is not printed on the
report, for a conduct report dated
12-9-19.
3. I respectfully requested video and audio
for physical evidence and asked that

- She be sure to include that I did not wish to waive any of my rights.
4. The officer said "Okay". Then handed me my copies and walked away.
 5. When I observed this paper work I notice she marked that I did not request any physical evidence and falsely claimed I had refused to sign the document.
 6. I then got the officer in charge for help who only got upset with me and walked away so I knocked on the door 3 times to get another officer's help.
 7. At this time I was cuffed up and removed from K4 and put into a shakedown booth across from K4.
 8. When the officer who done the screening came down from upstairs, I asked her why she had done that and she stated that she was not allowing anyone to sign these reports.

E. JURY DEMAND

☒ Jury Demand - I want a jury to hear my case
OR

☐ Court Trial - I want a judge to hear my case

Dated this 20th day of October 2020.

Respectfully Submitted,

Russ L. Kust
Signature of Plaintiff

220064
Plaintiff's Prisoner ID Number

4490 W. Reformatory Rd.
Pendleton IN 46064
(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper).

REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FILING FEE

☒ I **DO** request that I be allowed to file this complaint without paying the filing fee. I have completed a request to proceed in the district court without prepaying the fee and attached it to the complaint.

☐ I **DO NOT** request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.

PENDLETON CORRECTIONAL FACILITY
Pendleton, Indiana

State Form 8532

Attachments
to
Civil Suit

DOC No. 220066
NAME: Reese Keith
July 10th 2020

9. At this time, Ms. Spurgin was present and admitted that she overheard the statement but just moments later, lied to Cpt. Mason and said she did not hear anything.
10. Capt. Mason then calls me a liar and pulls my left arm up, towards the sky causing pain to my left shoulders.
11. He continues this down the steps of K-dorm, out on to the walk for about 50 feet.
12. I thought if I just laid down and don't move he would stop hurting me so I laid on my stomach.
13. At this time I was carried by my arms and legs with my hands still cuffed behind my back causing extreme pain to both my shoulders and wrists.
14. I was carried a considerable length to the D.O. building where I was about to be placed in a cell, that I was placed in two weeks prior and became very suicidal and was afraid I would become suicidal again, so ~~the officers carried me to the infirmary again.~~
15. I was then taken to the infirmary.
16. The whole time I was being tortured by the officers bending my wrists while I was cuffed with my hands behind my back.

PENDLETON CORRECTIONAL FACILITY
Pendleton, Indiana

State Form 8532

DOC No. 220066
NAME: Reese Keith

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17. I kept begging for relief, and for them to loosen and lock the cuffs and they refused and continued to bend my wrists causing extreme pain.
18. I also remember stating that what they had done was dangerous because the report that was read out loud in front of other inmates made me look like a "snitch".
19. Once we were in the infirmary, they sat me down on a gurney and continued to hurt my wrists and I continued to beg for relief.
20. I stated that I only wanted for my rights not to be violated.
21. I was then accused of being intoxicated however I asked for a drug screen and was refused.
22. During the continued debate, I was in extreme pain because the officers continued to hurt my wrists and would not loosen the cuffs or lock them in place.
23. I again asked the Captain to do the right thing and fill out my screening report properly and allow me to sign it and he refused.
24. At this time I was carried towards a suicide cell.
25. I believe this is when I was laid down on my stomach and an officer put a taser in my back and tased me for nothing.

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Pendleton, Indiana

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26. I realized they were taking me to a suicide cell and repeated "I am not suicidal!" over and over.
27. I was put in suicide and forceably stripped naked.
28. I was terrified, because I did not want to become suicidal.
29. At this time I panicked and starting banging my head in protest.
30. I was pepper sprayed and they ran in so I laid on my stomach and was cuffed again so I calmed down and walked where I was told to walk.
31. I was then placed on a gurney face down, still handcuffed, held down with my wrists bent and I could not breathe.
32. I was begging for them to move my hair out of my eyes because it was covered in pepper spray.
33. They put a spit mask over my head instead.
34. I could not breathe and I passed out and when I woke I was still being tortured.
35. I heard a woman saying "he is low on oxygen" and "ease up on his wrists."
36. I sustained major injuries from this, where I was ~~used~~ ^{lashed} and my wrists were completely lacerated and bruised.

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37. I asked for medical assistance and for my injuries to be photographed.
38. Medical staff refused to treat me, or photograph my injuries.
39. I saw Sgt. Dinkins and he said he would make someone photograph and document my injuries, however no one ever did.
40. Officer Pitts attempts to say I was placed on suicide for disciplinary reasons however this is not allowed.
41. Finally a nurse came to see me and she only made me squeeze her hand, after ~~it~~ told her I could not feel my thumb and index finger.
42. The nurse stated that as long as I could move my hand, she did not need to help me further.
43. She did not clean my wounds or photograph or document any of my injuries.
44. I was placed back in HRU # 8, on suicide watch.
45. I continued to show my injuries to the camera.
46. I continued to ask for medical assistance.
47. On Saturday, December 21st 2019, I woke up with an infection on my face.

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48. I repeatedly asked for medical assistance for the infection and was denied.
49. I was told I had to fill out a Healthcare request, however I was not allowed because I was in HRU, however on Friday December 20th 2019, Ms. Choate had me fill out an evaluation while I was in HRU so staff not allowing me to fill out a healthcare request is very unreasonable.
50. I was afraid I was going to lose my life because of infection.
51. On Saturday December 21st 2019 I asked for medical assistance from an Officer McKinney who denied my request saying the infection was only pimples.
52. My face was hurting badly.
53. My wrists were extremely bruised and had open wounds however no one would help me.
54. I was told I wasn't allowed to have soap and was forced to eat frozen food with my fingers after using the restroom and wiping myself.
55. On December 22, 2019, A suicide companion was told to fill out healthcare request in my name for the infection on my face.
56. On December 23rd 2019, I was released from suicide after being asked one question, "Do you want out for the holiday meal too?"

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_____ 20 _____

57. I was placed back in K4-R2-10L.
58. I documented my memories to the best of my ability and followed the grievance procedures without any issues with the grievance process.
59. I have documented every action I have made, and every attempt to resolve this without the courts.
60. On 1-31-2020 I requested documentation of companion's notes
61. On February 18 2020 I recieved copies of companion's notes.
62. I requested all video be preserved for legal and litigation from Ms. Rains on 12-30-19 and 1-3-2020 and 1-7-2020
63. All attempts for medical assistance were denied.
64. Healthcare requests not signed by staff
65. My efforts to obtain full names was denied on February 7, 2020
67. According to DOC policy, ~~████~~ A critical incident report should have been done due to the use of force and injuries so I requested this on 6-21-2020 and on 6-24-2020 was told the report did not exist.
68. I still have nightmares of this, waking up in cold sweats several nights a week.